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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In re

Amendment of § 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Leonard, Texas)

MM Docket No. 96-  
RM-\_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

To: The Acting Chief, Allocations Branch,  
Mass Media Bureau

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**PETITION FOR RULE MAKING**

Thomas S. Desmond, by counsel, hereby petitions for the institution of a rule making proceeding to amend Section 73.202(b), the Table of Allotments for FM Stations. Mr. Desmond seeks the allotment of Channel 260A to the community of Leonard, Texas as Leonard's first local service. Schematically, Mr. Desmond proposes:

<b><u>Community</u></b>	<b><u>Present</u></b>	<b><u>Proposal</u></b>
Leonard	---	260A

Exhibit A, the accompanying Statement in support of this Petition, establishes that the Commission can allot Channel 260A to Leonard in full compliance with applicable technical standards and without any other amendments to the FM Table. The supporting Statement also establishes that the incorporated city of Leonard satisfies the Commission's demographic criteria for licensable communities. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982).

Mr. Desmond desires to fill the present unmet need for local service at Leonard as soon as possible. Mr. Desmond thus intends, upon the grant of this Petition and the allotment of Channel 260A to Leonard, to promptly apply for a construction permit specifying that community. Upon

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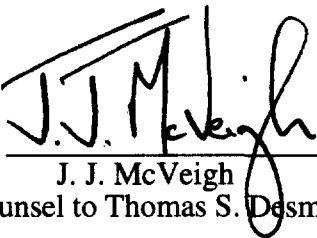
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grant of that application, Mr. Desmond intends to then promptly implement the resulting construction permit, to place into operation, and to seek a license for Leonard's only radio station.

For the reasons we have stated, the staff should promptly commence a rule making to allot a local service to the community of Leonard, Texas.

Respectfully submitted,

**BERNSTEIN AND McVEIGH**

By   
J. J. McVeigh  
Counsel to Thomas S. Desmond

1818 N Street, N.W., Suite 700  
Washington, D.C. 20036  
(202) 296-1800

Date: February 8, 1996

**EXHIBIT A**

**STATEMENT IN SUPPORT OF**  
**PETITION FOR RULE MAKING**

This statement supports the Petition of Thomas S. Desmond for a rule making to amend the FM table of Allotments. Specifically, Mr. Desmond seeks to have Channel 260A allotted to the community of Leonard, Texas. Schematically, the Petitioner's proposal is as follows:

<u>City, State</u>	<u>Present</u>	<u>Channel</u> <u>Proposed</u>
Leonard, Texas	---	260A.

By granting the Petition that this Statement supports, Petitioner would have the Commission serve the public interest, convenience, by amending Section 73.202(b), thus providing the community of Leonard, Texas with its first local service. Grant of this proposal will yield a more efficient use of the FM spectrum and will permit Petitioner to provide reception service to Fannin County and surrounding areas. There is presently one FM

facility within Fannin County (KFYZ-FM, Channel 252C3) and a co-owned AM station KFYN (1420 KHz), both licensed to Bonham.

### I. DEMOGRAPHIC DATA

The community of Leonard, Texas is an incorporated city within Fannin County, and is located in northeast Texas approximately 84 kilometers northeast from Dallas. The 1990 Census lists the Leonard population at 1,744 persons, and the total Fannin County population at 24,804 persons. The city has identifiable boundaries as required in the Revision of FM Assignment Policies and Priorities, 51 R.R. 2d 807, 816 (1982).

The City of Leonard is served by a Mayor and City Council. In addition, Leonard has a library, post office, and police department. There are over 37 independent businesses located within Leonard. Further, Leonard is located outside any urbanized area.

### II. PETITIONER WILL APPLY FOR THE REQUESTED FACILITY

Thomas S. Desmond will file an application for Channel 260A at Leonard and promptly begin construction upon issuance of a construction permit if the instant petition is granted. See FM Channel Assignments, 53 R.R 2d, 341, 344.

### III. ENGINEERING DATA

The requested coordinates for the proposed Channel 260A allotment at Leonard are:

N.L. 33-22-46

W.L. 96-14-50

This location is at the reference coordinates for Leonard. This location will permit Mr. Desmond to provide improved FM service to the region and will provide the required 70 dBm signal contour over Leonard. A computer analysis was completed to determine if Channel 260A could be placed at Leonard, Texas. It was determined this allocation was available consistent with FCC technical standards without a site restriction. Table 1.0 presents the allocation study results from the reference coordinates.

As calculated, the proposed Channel 260A allotment at Leonard meets all required Commission spacing requirements with respect to Section 73.207 and the Revised U.S.-Mexican FM Broadcast Agreement effective September 27, 1994.

STEPHAN M. KRAMER, P.E. AND ASSOCIATES  
BROADCAST AND FAA CONSULTING ENGINEERS  
10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75034 (214) 529-5123

Table 1.0  
FM Allocation Analysis  
Proposed Channel 260A Allotment  
=====

Thomas S. Desmond  
New 99.9 MHz Leonard, Texas

FM Study for: TOM DESMOND	FCC Database	33-22-46
Location: LEONARD, TX	Channel Class: A	96-14-50
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

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>>>>>>> Study For Channel 260 99.9 MHz <<<<<<<

KTCSFM FORT SMITH, AR	260 C 99.9 100.	35-04-20 236.8	226
LIC BIG CHIEF BROADCASTING	BLH-871231KC 585	94-40-50 37.1	+10.8 CLOSE
KTSH TISHOMINGO, OK	259 C3 99.7 25.	34-11-15 99.9	89
CP BALLARD BROADCASTING	BPH-940921JE 100	96-43-28 333.9	+10.9 CLOSE
KJMZ DALLAS, TX	262 C 100.3 98.	32-35-05 110.6	95
CP GCI TEXAS II, INC.	BPH-950706IA 509	96-57-46 217.4	+15.6 CLEAR
KJMZ DALLAS, TX	262 C 100.3 89.	32-35-07 110.9	95
LIC GCI TEXAS II, INC.	BLH-5136 390	96-58-06 217.6	+15.9 CLEAR
KPLX FORT WORTH, TX	258 C 99.5 100.	32-34-54 111.6	95
LIC RADIO METROPLEX, INC.	BMLH-850211KR 511	96-58-32 217.8	+16.6 CLEAR
KLUR WICHITA FALLS, TX	260 C1 99.9 100.	33-54-04 220.4	200
LIC SAM F. BEARD & PAMELA	BLH-6738 253	98-32-21 285.9	+20.4 CLEAR
WACOFM WACO, TX	260 C 99.9 90.0	31-20-15 247.6	226 73.215
LIC 566 COMMUNICATIONS OF	BLH-901116KD 506	97-18-37 204.1	+21.6 CLEAR

WHEREFORE, the premises considered, it is respectfully requested the Commission institute a rulemaking proceeding, proposing to amend the FM Table of Allotments, Section 73.202(b), by the addition of Channel 260A to Leonard, Texas.

Respectfully submitted,

Thomas S. Desmond

By: 

Thomas S. Desmond

and

By: 

Stephan Kramer, P.E.

Consulting Engineer

Stephan M. Kramer, P.E. and Associates  
Broadcast and FAA Consulting Engineers  
10500 Bighorn Trail, Suite 100  
Frisco, TX 75034-6626  
(214) 529-5123

January 29, 1996

